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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,750	05/04/2001	David W. Jensen	00CR032/KE	2666

7590 07/29/2004
Rockwell Collins, Inc.
Attention: Kyle Eppele
M/S 124-323
400 Collins Rd. NE
Cedar Rapids, IA 52498

EXAMINER

COUSO, YON JUNG

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 07/29/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/849,750

Applicant(s)

JENSEN ET AL.

Examiner

Yon Couso

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-6, 9, 10, 13, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Franke et al.

Regarding claims 1, 9, and 20, Franke discloses a vehicle control system comprising: at least one image capture device for monitoring at least a portion of the system, the image capture device being capable to capture an image of the portion of the system being monitored (23, 80, and 210 in figure 1); an image processing assembly for processing the image captured by the image capture device (106 in figure 1); a warning device for providing a warning to the user (212 in figure 1); wherein the image processing assembly processes the image captured by the image capture device in real time for determining if the warning condition exist and upon determining if the warning condition exists causes the warning device to provide a warning to the user (abstract, line 5-9; column 12, lines 18-22; and column 12, line 64-column 13, line 2).

As to claims 3 and 10, Franke discloses the warning device comprising a display displaying the image captured by the image capturing device to the user (28 in figure 1).

As to claims 6 and 13, Franke discloses image capture device comprising a video camera, wherein the captured image being comprised of at least one of a continuous video and sampled frames of a continuous video (23 in figure 1 and column 13, lines 55-64).

As to claim 4, Franke discloses querying the user to determine if the image should be displayed and displaying the image to the user if the user wishes the image to be displayed (column 14, lines 26-42).

As to claim 5, Franke discloses processing of the captured image comprising at least one of processing a fusion of at least two images received from the two image capture devices and processing a fusion of an image and a measured parameter (column 12, lines 24-42).

3. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franke et al in view of Lemelson.

The arguments advanced in paragraph 2 above as to the applicability of the reference are incorporated herein.

As to claims 15-18, while Franke is silent about specific details regarding monitoring landing gear, wing, tire and engine, Lemelson discloses a GPS vehicle collision avoidance system comprising a monitoring system that monitors landing gear, wing, tire and engine area of the vehicle (column 2, lines 10-65). It would have been obvious to one having ordinary skill in the art at the time the

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invention was made to use the system for capturing the image of the monitoring system including landing gear, wing or engine as taught by Lemelson. Both, Franke and Lemelson's teachings, are directed to using the surveillance cameras to avoid or reduce the danger and they are routinely employed to reduce accidents and personal injuries as being evidenced by other prior art made of record in this office action. Therefore, it would have been obvious to combine Lemelson with Franke to obtain the invention as specified in the claim to adapt the surveillance control system in the aircraft, as well as vehicle, building, subway system, and wherever the security or accident may be of concern.

4. Claims 2, 7, 8, 11, 12, 14, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franke et al in view of Schofield et al.

The arguments advanced in paragraph 2 above as to the applicability of the reference are incorporated herein.

As to claims 2, 11, and 12, Franke does not teach details on a memory for storing the reference portion of the image and comparing the captured image with reference image. Even though Franke does not teach details on how the system detects, locates, and characterizes traffic-related incidents, it is clear from the disclose that the digital computer means in Franke's system performs image processing equivalent to image comparison in order to detect, locate, and characterize traffic-related incidents. Schofield discloses a memory for storing the reference portion of the image (column 19, lines 11-31) and comparing the captured image with reference image (abstract, lines 1-10). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to

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combine image comparison technique taught in Schofield's into Franke's system of detecting, locating, and characterizing traffic-related incidents because detecting, locating, and characterizing traffic-related incidents would require some kind of comparison of image data to the reference image as in Schofield to achieve this objective.

As to claims 7 and 14, Schofield discloses an image processing assembly monitoring a second warning system capable of detecting if the warning condition exists (column 14, lines 6-25).

As to claim 19, Schofield discloses a warning system comprising a secured area and the warning condition comprising an authorized presence in the region (column 44, lines 52-67).

As to claim 8, Franke teaches the captured image comprises at least one of an optical image, an infrared image, an ultra-violet image, and an image formed using non-visible wavelength of electromagnetic radiation (23, 80 and 210 in figure 1).

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Boucourt, Yabe, Brodsky et al, Tserng, Uebel, and Courtney are also cited.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yon Couso whose telephone number is (703) 305-4779. The examiner can normally be reached on 8:30 am –5:00 pm from Monday to Friday

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.



YON J. COUSO
PRIMARY EXAMINER

Yjc

July 23, 2004